IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 41094 of 2003(P)

PETITIONER:

J.RADHAKRISHNA NAIK,
CORPORTE MANAGER, T.D.SCHOOL, THURAVOOR.

BY ADV. SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI

RESPONDENTS:

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1. THE TAHASILDAR, CHERTHALA.

2. THE VILLAGE OFFICER,
KUTHIATHODU, CHERTHALA.

3. DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA.

BY GOVERNMENT PLEADER SMT.SMITHA BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON 19/12/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the order dated 14-1-1999.

Ext.P2: Photocopy of the Revenue Recovery Notice dated 26-11-2003.

Ext.P3: Phtocopy of the judgement dated 28-8-2002 in O.P.No.6998/99.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

W.P. (C). NO. 41094 OF 2003

Dated this the 19th day of December, 2006

J U D G M E N T

Petitioner is essentially aggrieved by Ext.P2 recovery proceedings. It is seen that the proceedings were initiated pursuant to Ext.P3 judgment. Unless Ext.P3 is avoided in any known proceedings under law, the petitioner cannot successfully challenge the recovery. Therefore the writ petition is dismissed without prejudice to the liberty to the petitioner to challenge the grievance on Ext.P3 in appropriate proceedings. However, it is made clear that in case the petitioner has any dispute regarding the quantification, it will be open to him to point out the same before the DEO in which case on verification of records, appropriate action in accordance with law in the matter will be taken by the DEO. In order to enable the petitioner to work out the relief as above, the interim order passed by this court will continue for another four months.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

19th DECEMBER, 2006